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CENTRAL INTELLIGENCE AGENCY
NATIONAL FOREIGN ASSESSMENT CENTER

26 November 1980

MEMORANDUMUruguay: The Constitutional PlebisciteSummary

The Uruguayan military's effort to broaden political participation will be tested on 30 November when a draft constitution is submitted to a popular referendum. The outcome of the vote is very much in doubt and the results may be difficult to interpret.

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The plebiscite is a major milestone on the military's way to returning Uruguay to democracy. The ruling military council began the process late in 1979 when it published draft constitutional guidelines. Last July, senior military officers attempted to increase interest in the plebiscite by allowing the two traditional parties--the Blancos and the Colorados--to renew limited political activity after a seven-year government-imposed proscription.

The plebiscite has acquired an importance for the highly politicized Uruguayans beyond the immediate issue of the constitution itself. The voters may use the plebiscite to express their opinion of the last seven years of military rule. The results may be hard to interpret, however. Some critics of the regime may reluctantly vote yes to get on with the gradual

This memorandum was written by [] Latin America Division, Office of Political Analysis. It was coordinated with the National Intelligence Officer for Latin America and the Directorate of Operations. Comments and questions are welcome and should be addressed to Chief, Latin America Division, []

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liberalization of the political process. Other opponents, concerned that the constitution will legitimize and perpetuate the status quo, may vote no. Although most of the military is pushing for a favorable vote, some strong supporters of the military, fearing any change, may also vote no.

Military and Political Views

After an inept start, the military is now using the media with some skill to get its message across. Some senior officers have publicly warned that a negative vote would mean an indefinite postponement of the political opening. A minority in the military, however, reportedly favors a no vote in the hope of prolonging military rule.

Both of the traditional political parties are divided. Because of Uruguay's strong political traditions, the parties still command voter respect--even after the seven years of inactivity and the proscription of most of their leaders. Their failure to speak out strongly in favor of the constitution is no doubt distressing to the military.

One large but fragmented faction of the Blanco Party has expressed lukewarm support for the constitution. A segment of the Colorado Party, led by former President Pacheco, also supports it. Many of his followers, however, have broken ranks and Pacheco's influence on the issue appears to have been undercut. Moreover, significant segments of both parties, backed by influential media groups and some labor groups, are joining forces in urging a no vote, reportedly with some success.

Deciding Factors

Uruguayans probably would welcome a return to democracy, although polls taken in late October and early November are contradictory. One poll showed a large margin in favor while others indicated a majority against. All have reported up to 50 percent of the electorate undecided.

One deciding factor may be the public perception of which side is waging the most effective campaign. The opposition, at a disadvantage in both organization and public exposure, is giving the government a run for its money late in the campaign. The

government in fact has permitted an unusually high degree of debate and political activity in the last days before the referendum.

Perhaps the single factor most likely to produce a negative vote is the government's last minute decision to insert in the constitution a provision calling for a single presidential candidate--to be selected by the armed forces and the two major political parties--who would serve for a five-year term beginning in 1981. Most Uruguayans expected that there would be only one candidate for the term beginning in 1981, but formalizing this arrangement has produced an adverse public reaction. Added to the internal divisions over the constitution within the military and the political parties, as well as the increased media coverage of the opposition, this provision may cause voters to reject the draft constitution as a whole.

The Results

The carefully controlled expansion of political activity is likely to continue if the constitution is approved. In this event, retired General Gregorio Alvarez, who is widely viewed as the architect of the constitution and as a leading advocate of a gradual return to civilian rule, probably will be the presidential candidate.

The outlook is not so clear-cut should the constitution be rejected. The power of Alvarez and his military supporters almost certainly would wane, perhaps to the advantage of his arch-rival, Army Commander Queirolo, who could then more easily consolidate his power within the military. The military might nominate one of their own to head the government, replacing the elderly civilian now in office.

On the other hand, the military might interpret a negative vote to mean that the people want to retain the present governmental structure. In this case it might be content to continue the present governing arrangement essentially unchanged, although with some reshuffling of personnel.

The Constitution

The constitution up for approval on Sunday makes the executive the dominant branch of government in all policy areas and

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institutionalizes the military's role in the government. In the national security sphere--defense, foreign policy, and basic economic and social decisions--the executive and the military retain sole authority. The constitution also legitimizes the military-dominated National Security Council presided over by the president in his capacity as commander-in-chief of the armed forces.

The president and vice president are to be elected by a simple majority for a single five-year term. The president will have sweeping powers to preserve order and internal security, and to defend the nation against external aggression. He may appoint and remove executive branch personnel. He is responsible, with the advice of the National Security Council for directing foreign policy. He may veto draft legislation, and he prepares the national budget.

The constitution guarantees an impressive range of rights to protect individuals and groups from the arbitrary power of the state, but it gives the executive such sweeping qualifying powers that it is likely to cast a chill over Uruguayan politics indefinitely. For example, it permits the executive and the National Security Council to suspend individual rights in certain circumstances for 30 or 60 days, or indefinitely in time of war. Congress may reject these measures by a two-thirds vote, but only if it acts within specified time limits. Individuals belonging to organizations espousing violence may have their personal and political rights suspended permanently.

The legitimacy of all democratically organized political parties that can demonstrate even minimal appeal is recognized. Although this is not likely to affect the nature of the political parties in the near term, it could eventually lead to a proliferation of parties.

The constitution establishes a bicameral legislature--House and Senate--whose members are elected or reelected every five years. The party receiving a plurality is guaranteed at least a slim majority in both houses. The legislature may decrease or modify the national budgets, impose taxes, interpret the constitution in accordance with supreme court rulings, enact laws, establish tribunals and administer justice, declare war, and ratify treaties.

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The power of the legislature to pass laws is qualified by the executive in two ways. The president may propose legislation under a special provision that states such bills will become law unless the legislature acts within 45 days. Further, the executive may veto or amend a bill. The Congress must then muster a two-thirds vote within 60 days to override the executive.

The constitution provides for a judiciary system headed by a supreme court whose five judges serve for 10 years. Supreme court judges will be nominated by the executive and approved by the Congress. The supreme court appoints appellate and lower court judges with the approval of the Senate and of the executive, respectively. In effect, however, the supreme court's ability to affect national policy is restricted because the constitution gives it no power over either the executive or the military.

The constitution also establishes an entirely new political body, the Political Control Tribunal. It will be responsible for political trials, for suspending legislators, and for impeachment cases; it also may restore the political rights of proscribed politicians. Its nine members are to be nominated by the president and approved by the legislature.

The practical effect of this constitutional innovation is unclear and probably will depend on the willingness of tribunal members to exercise their unique authority to resolve major disagreements between the executive and the legislature through a vote of censure or a no confidence procedure. They theoretically will be able to force dissident majority legislators to resign, and they could bring the president down either directly or by calling for a special referendum.

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